

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

CRUZ RODRIGUEZ, ET AL.

Plaintiffs

v.

CIV. NO. 12-1189 (PG)

MOLINA RODRIGUEZ, ET AL.

Defendants

ORDER

Before the Court is the motion to strike the "Response in Opposition to Motion to Dismiss and Request for Leave to File Belated Opposition" filed by co-defendants Carlos Molina Rodríguez, María Lugardo, David Aguila and Hector Acosta Zambrana. (Docket No. 28). For the purpose of clarity, we will briefly recount the pertinent procedural history pertaining to co-defendants' request.

Plaintiffs filed the Complaint on March 16, 2012. (Docket No. 1). On March 19, 2013 co-defendants Carlos Molina Rodríguez, María Lugardo, David Aguila and Hector Acosta Zambrana filed a Motion to Dismiss. (Docket No. 23). The fourteen-day term provided by Local Rule 7(b) for filing an objection to a motion lapsed without a single appearance from plaintiffs to file their objection or, at the very least, request an extension to do so. For that reason, on May 16, 2013 co-defendants filed a motion to deem their request for dismissal as unopposed. (Docket No. 24).

The filing should have constituted a red flag for plaintiffs, prompting them to put forth their objections without further delay yet they lingered for another sixty-seven days before finally submitting their "Opposition to Motion to Dismiss and Request for Leave to File Instanter." (Docket No. 26).

In the document, plaintiffs put forward their reason for failing to abide by the deadlines mandated by the Federal Rules of Civil Procedure and the Local Rules of this Court. (Docket No. 26 at ¶5). We find their excuse to be unbecoming of an officer of the Court and thus, we will analyze the Motion to Dismiss without Plaintiff's Opposition.

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Therefore, the Court **GRANTS** the motion to strike plaintiffs' response in opposition to motion to dismiss (Docket No. 28).

**IT IS SO ORDERED.**

In San Juan, Puerto Rico, January 14, 2014.

s/ Juan M. Pérez-Giménez

**JUAN M. PEREZ-GIMENEZ**

**SENIOR U.S. DISTRICT JUDGE**